

**FILED**

**JUL 01 2013**

**U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FORTY THOUSAND (\$40,000.00)

U.S. CURRENCY,

Defendant.

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No.

**4 : 13 MC 00350 SPM**

**MOTION TO EXTEND TIME TO FILE COMPLAINT FOR FORFEITURE**

Comes now the United States of America, by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Jennifer A. Winfield, Assistant United States Attorney for said District, and respectfully moves this Court to extend the time in which the United States is required to file a verified complaint for forfeiture and in support of its Motion states as follows:

1. On November 13, 2012, \$40,000.00 U.S. Currency was seized from Cesar Leon-Reynoso and Abel Fabila-Peralta.
2. All of the written notice of intent to forfeit required by Title 18, United States Code, Section 983(a)(3)(A) to be sent by the United States Drug Enforcement Administration to interested parties has been sent.
3. The time has expired for any person to file an administrative claim to the property under Title 18, United States Code, Section 983(a)(2)(A)-(E).

4. The only person to file an administrative claim to the defendant property with the Drug Enforcement Administration was Cesar Reynoso. Mr. Reynoso's claim was filed with the Drug Enforcement Administration on April 8, 2013.

5. Title 18, United States Code, Section 983(a)(3)(A) provides as follows:

Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed *may extend the period for filing a complaint for good cause shown* or upon agreement of the parties.

6. Title 18, United States Code, Section 983(a)(3)(B) also provides that the United States may maintain possession of the property by filing criminal charges within the relevant time frame.

7. Accordingly, absent an order extending its time, the United States must either file a civil complaint for forfeiture of the above-captioned property or file criminal charges on or about July 7, 2013.

8. The United States has an ongoing criminal investigation regarding the conduct giving rise to the forfeiture of the property. If a civil complaint is filed, any discovery in a civil case would impede the Government's ability to conduct its ongoing criminal investigation and would also create a burden on the claimant's right against self-incrimination. Should the property be returned to the claimant there would be no assurance that the property would be available as evidence in any subsequent court proceedings.

9. The requested extension is in the interest of justice insofar as it avoids the need for duplicative actions and thereby conserves judicial and other governmental resources.

10. A proposed order is included herewith for the Court's consideration.

WHEREFORE, for the foregoing good cause, the Government respectfully requests that the Court extend the period in which the United States is required to file a Complaint against the property and/or to return criminal charges until October 5, 2013.

Dated: July 1, 2013

Respectfully submitted,

RICHARD G. CALLAHAN  
United States Attorney

/s/ Jennifer A. Winfield  
JENNIFER A. WINFIELD, #53350MO  
Assistant United States Attorney  
111 South Tenth Street, 20th Floor  
St. Louis, Missouri 63102  
314-539-2200

**CERTIFICATE OF SERVICE**

I hereby certify that on July 1, 2013, a copy of the foregoing was sent via first-class mail, postage prepaid and addressed to the following:

Cesar Reynoso  
3016 North Albany Ave.,  
Chicago, IL 60618

Michael A. Unger, Esq.  
Attorney for Claimant  
2802 West 26<sup>th</sup> St.  
Chicago, IL 60623

/s/ Jennifer A. Winfield  
JENNIFER A. WINFIELD, ##53350MO  
Assistant United States Attorney